

1983 FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

Donell Freeman

COMPLAINT

(Enter above the full name of the plaintiff in this action)

v.

Civil Action No. 17-2713(BRM-TJB)  
(To be supplied by the Clerk of the Court)

Malden County Correctional

Institution Commissary

KEEFE

R E C E I V E D

APR 20 2017

AT 8:30 \_\_\_\_\_ M  
WILLIAM T. WALSH  
CLERK

(Enter above the full name of the defendant or defendants  
in this action)

**INSTRUCTIONS: READ CAREFULLY**

1. This complaint must be legibly handwritten or typewritten, signed by the plaintiff and subscribed to under penalty of perjury as being true and correct. All questions must be answered concisely in the proper space on the form. Where more space is needed to answer any question, attach a separate sheet.
2. In accordance with Rule 8 of the Federal Rules of Civil Procedure, the complaint should contain (1) a short and plain statement of the grounds upon which the court's jurisdiction depends, (2) a short plain statement of the claim showing that you are entitled to relief, and (3) a demand for judgment for the relief which you seek.
3. You must provide the full name of each defendant or defendants and where they can be found.
4. You must send the original and one copy of the complaint to the Clerk of the District Court. You must also send one additional copy of the complaint for each defendant to the Clerk. Do not send the complaint directly to the defendants.
5. Upon receipt of a fee of \$400.00, (a filing fee of \$350.00, and an administrative fee of \$50.00), your complaint will be filed.

Rev. 2013

**You will be responsible for service of a separate summons and copy of the complaint on each defendant. See Rule 4, Federal Rule of Civil Procedure.**

6. If you cannot prepay the \$400.00 filing fee, you may request permission to proceed in forma pauperis in accordance with the procedures set forth below. **(SEE ATTACHED I.F.P. FORM AT END OF THIS FORM!!!), (IF THERE IS MORE THAN ONE PLAINTIFF, EACH PLAINTIFF MUST SEPARATELY REQUEST PERMISSION TO PROCEED IN FORMA PAUPERIS.)**
7. If your application to proceed in forma pauperis does not conform to these instructions, you will be notified by letter of the nature of the deficiencies. If these deficiencies are not cured within 120 days of the date of the letter, the complaint will be deemed withdrawn, the Clerk's file will be closed, and no fees will be assessed against you.

**QUESTIONS TO BE ANSWERED**

1. Jurisdiction is asserted pursuant to (CHECK ONE)

☒ 42 U.S.C. § 1983 (applies to state prisoners)

☐ Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971) and 28 U.S.C. § 1331 (applies to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:

\_\_\_\_\_

- 1(b). Indicate whether you are a prisoner or other confined person as follows:

☐ Pretrial detainee  
☐ Civilly-committed detainee  
☒ Immigration detainee  
☐ Convicted and sentenced state prisoner  
☐ Convicted and sentenced federal prisoner  
☐ Other: (please

explain) \_\_\_\_\_

**2. Previously Dismissed Federal Civil Actions or Appeals**

If you are proceeding in forma pauperis, list each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility, that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted. Please note that a prisoner who has on three or more occasions, while detained in any facility, brought an action or appeal in a federal court that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted, will be denied in forma pauperis status unless that prisoner is under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

**a. Parties to previous lawsuit:**

Plaintiff(s): \_\_\_\_\_

Defendant(s): \_\_\_\_\_

**b. Court and docket number:** \_\_\_\_\_

**c. Grounds for dismissal:** ( ) frivolous ( ) malicious ( ) failure to state a claim upon which relief may be granted

**d. Approximate date of filing lawsuit:** \_\_\_\_\_

**e. Approximate date of disposition:** \_\_\_\_\_

If there is more than one civil action or appeal, describe the additional civil actions or using this same format on separate sheets.

**Place of Present Confinement?** \_\_\_\_\_

#### 4. Parties

(In item (a) below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

**a. Name of plaintiff:**

Danell Freeman

Address: MCCP 7 water works Rd.

Freehold N.J. 07728

Inmate #: Danell Freeman # 26189

**b. First defendant – name:**

Keefe / Commissary

Official position: Venue

Place of employment: Morrmouth County Correction Facility

**How is this person involved in the case? (i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)**

They are violating antitrust law. The prices on canteen are discriminating prices. They are way to high, and leave no room for other Venues to offer competitive prices. They have monopolies, and also, there is no restraint. They are in violation of Sherman Act, and Clayton.

**c. Second defendant – name:**

\_\_\_\_\_

Official position: \_\_\_\_\_

Place of employment: \_\_\_\_\_

**How is this person involved in the case?**

**(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)**

- d. If there are more than two defendants, attach a separate sheet. For each defendant specify: (1) name, (2) official position, (3) place of employment, and (4) involvement of the defendant.
5. I previously have sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in the Statement of Claims on page?

\_\_\_\_ Yes    ☒ No

If your answer is "Yes," briefly describe the steps taken, including how relief was sought, from whom you sought relief, and the results.

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If your answer is "No," briefly explain why administrative remedies were not exhausted.

*They will be NO body to HEAR OUR VOICES,*

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6. **Statement of Claims:**

(State here as briefly as possible the facts of your case. Describe how each defendant violated your rights, giving dates and places. If you do not specify how each defendant violated your rights and the date(s) and place of the violations, your complaint may be dismissed. Include also the names of other persons who are involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, \* number and set forth each claim in a separate paragraph. Use as much space as you need. Attach a separate sheet if necessary.)



The FACTS are CLEAR, The inmates pay as much as 3 to 5 times for goods as society pays, also, Prison institution anywhere. Our family work so hard but still cannot afford to send us money, so that we will be able to keep up with proper Health and PERSONAL HYGIENE. The Monmouth County facility is an health hazards. And The prisoner are malnourished due to the Amount of portion; and the processed foods offered.

I KNOW CANTONAS PS CONSIDER A RIGHT OR PRIVILEGE. BUT, "NO STATE SHALL CONVERT A LIBERTY INTO A PRIVILEGE, LICENSE IT, AND ATTACH A FEE" MURDOCK V. PENN 138 U.S 105. But Furthermore, The price fixing in it self is a Violation of Inmates Constitutional Rights. 14 Amendment States "NO State shall deny to any person within its jurisdiction the equal protection of the Laws. So, again Antitrust Law does also, OR should apply to INMATES. This is cruel and unusual punishment inflicted.

And, also, our families income are AFFECTIVE, because, to support us, with money, but they themselves cannot claim taxes on this money.

## 7. Relief Sought:

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

I would like the COURT to first, Place restraint on price fixing, review our prices, to what is fair by other vendors. And bring down the prices. Also, FOR our families to be able to receive tax deductible income, from the money they have sent to support us, and claim us on their taxes.

The prices continue to go up, making them unaffordable, to live. We need to stop the predatory exploitation of price gouging and fixing, upon inmates, whom much of us are without assets. Come from low or poor income families, but have to pay five times the amount for a soup, than anywhere else, with taxes,

THANK YOU.


8. Do you request a jury or non-jury trial? (check only one)

( ☒ ) Jury Trial

( ☐ ) Non-Jury Trial

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORWEGOING IS  
TRUE AND CORRECT.

SIGNED THIS DAY 4 DAY OF 11, 2017

  
\*\*\*\*\*SIGNATURE OF PLAINTIFF\*\*\*\*\*